

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-009723

11/02/2010

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT
C. Castro
Deputy

PAULINE GILSON, et al.

FRANCIS G FLEMING

v.

JOHN KEMMERIES, et al.

SCOTT W HULBERT

JONATHAN A DESSAULES
STEPHEN M DICHTER
GARY L HUDSON JR.
JAMES H MARBURGER
IVAN K MATHEW

MINUTE ENTRY

Plaintiffs filed a Motion to Compel on July 16, 2010. That Motion, concerning the discovery aimed at Defendant John McAfee ("McAfee"), has been fully briefed and no oral argument has been requested thereon.

As developed by the briefing, the discovery questions at issue pivot on the purported destruction of discoverable information by McAfee.

McAfee, who admits only to having disposed of potentially discoverable information some time before he was served with the First Amended Complaint in this case, now resides outside the country. However, McAfee through counsel, has offered to be deposed at a mutually agreed upon location and date.

The Motion is denied without prejudice at this time. The Motion may be reasserted after the McAfee deposition in its present or altered form. If the Motion is then granted, in whole or in

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part, the costs of the McAfee deposition, including fees, may, in the Court's discretion, be assessed against McAfee.